

HIGH COURT OF GUJARAT  
AHMEDABAD

SPL. CIVIL APPLICATION No. 400/99.

CORAM : Ms. R.M DOSHIT, J.  
January 19, 1999.

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KIRITKUMAR VADILAL BHAVSAR  
v.  
UNITED BANK OF INDIA & ANR.  
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Appearance :  
Mr. CL Soni for the Petitioner  
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ORAL ORDER

Heard learned advocate Mr. Soni for the petitioner.

2. Petitioner before this Court is an employee of Respondent no. 1 -Bank and is due to retire from service on his reaching the age of superannuation in the month of May, 1999. Upon receiving the communication from the Bank that he is due to retire from service in the month of May, 1999, the petitioner has preferred the present petition claiming that the actual date of birth of petitioner is 5th May, 1940 and he would reach the age of superannuation in the month of May, 2000. However, the date of birth has been wrongly recorded in the Service record i.e., that of 5th May, 1939 which ought to be corrected. It is undisputed that the date of birth of the petitioner has been recorded in the service record when he entered in service in the year 1961 on the basis of the date of birth appearing in the School Leaving Certificate. In support of his claim, the petitioner has produced the Birth Certificate issued by Ahmedabad Municipal Corporation on 23rd July, 1962 recording birth of a son to one Harilal Chagganlal and Bai Heera on 5th May, 1940. The petitioner has further contended that petitioner after receiving this birth certificate had immediately made an application for correction of date of birth which was not responded to. Thereafter, he again

made an application in the year 1990 to which he was given an understanding that petitioner should get his School Leaving Certificate corrected. Petitioner once again made an application on 2nd November, 1998 which has been rejected under the impugned order dated 7th December, 1998.

3. Mr. Soni has contended that the petitioner has been continuously pursuing the matter with the respondent no. 1-Bank, however, the Bank has been indolent and has not responded to the petitioner's application.

4. Be it noted that no application has been produced on the records of the matter which may have been made prior to the year 1990. The application that was made on 26th September, 1990 was replied to by the respondent no. 1 Bank on 17th July, 1991. The said reply dated 17th July, 1991 has not been placed on the records of the matter. The impugned order clearly indicates that the petitioner's application made in the year 1990 was rejected on 17th July, 1991. The petitioner has thereafter renewed his request upon receiving the communication that he was due to retire from service in the month of May, 1999.

5. Petitioner's claim, therefore, deserves to be rejected on the ground of delay and laches alone. Petition is, therefore, dismissed in limine.

[Ms. R.M Doshit, J.]

Prakash\*